

Message Text

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PAGE 01 USUN N 01118 081926Z

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ACTION IO-10

INFO OCT-01 EUR-12 ISO-00 AF-06 ARA-06 EA-06 NEA-09 SP-02

AID-05 EB-07 NSC-05 CIEP-01 TRSE-00 SS-15 STR-04

OMB-01 CEA-01 CIAE-00 COME-00 FRB-03 INR-07 NSAE-00

XMB-02 OPIC-03 LAB-04 SIL-01 L-02 H-02 PA-01 PRS-01

USIA-06 /123 W

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R 081840Z APR 75

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E.O. 11652: N/A

TAGS: BINV, UN

SUBJ: CONCLUSION OF FIRST SESSION OF UN COMMISSION ON
TRANSNATIONAL CORPORATIONS

SUMMARY: FIRST SESSION OF SUBJECT COMMISSION CONCLUDED
FRIDAY, MARCH 28. COMMISSION REACHED CONSENSUS ON MANY
POINTS AND PROVIDED GENERALLY SATISFACTORY GUIDANCE TO
INFORMATION AND RESEARCH CENTER AS A BASIS FOR DEVELOPING
A WORK PROGRAM DURING COMING YEAR. DESPITE POSITION OF USDEL
AND MOST OTHER WEO'S THAT EQUAL PRIORITY SHOULD BE GIVEN
TO ALL MAJOR AREAS OF WORK, THE DRAFT PROGRAM OF WORK ATTACHES
FIRST PRIORITY TO PRELIMINARY WORK ON FORMULATION OF CODE
OF CONDUCT. NEVERTHELESS, PRIORITY TASKS ASSIGNED TO IRC
COVER ALL AREAS LISTED IN PARAGRAPH 7 OF ECOSOC RES 1913
(LVII) INCLUDING ESTABLISHMENT OF COMPREHENSIVE INFORMATION
SYSTEM AND STUDIES OF THE POLITICAL, ECONOMIC AND SOCIAL IMPACT
OF TNC ACTIVITIES IN HOME AND HOST COUNTRIES, WITH THE UNDER-
STANDING THAT PRELIMINARY WORK WOULD NOT INCLUDE ACTUAL
DRAFTING OF CODE. DEBATE CONCERNING LEGAL STATUS OF,
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PAGE 02 USUN N 01118 081926Z

AND REFERENCE TO GOVERNMENTS IN, ANY EVENTUAL CODE WAS

LEFT UNRESOLVED. ALSO, DISCUSSION OF MODALITIES OF COMMISSIONS'S WORK, ESPECIALLY ROLE TO BE ACCORDED TO BUSINESS, LABOR, OTHER INTEREST GROUP REPRESENTATIVES, WAS INCONCLUSIVE. REFERENCE MADE TO CERDS, NEW INTERNATIONAL ECONOMIC ORDER IN WORK PROGRAM WAS IN TERMS OF "TAKING FULLY INTO ACCOUNT" AND "GIVING DUE REGARD." END SUMMARY.

1. ISSUE OF NATURE AND PROCEDURE OF FUTURE WORK IN COMMISSION ON CODE OF CONDUCT FOR TNCS WENT UNRESOLVED IN FIRST SESSION OF COMMISSION. AS FINAL WORK PROGRAM IS TO BE SUBMITTED TO ECOSOC 60TH SESSION (SUMMER 1976), SECOND SESSION OF COMMISSION EARLY NEXT YEAR WILL HAVE TO SEEK AGREED LANGUAGE. CURRENT DISAGREEMENT REFLECTED IN BRACKETING OF "TO BE OBSERVED BY" AND "DEALING WITH" TNCS IN REFERENCE TO THE CODE.

2. ONE MAJOR ISSUE IN CONTENTION--THE REFERENCE TO BE MADE IN WORK PROGRAM TO CHARTER OF ECONOMIC RIGHTS AND DUTIES OF STATES AND DECLARATION AND PROGRAMME OF ACTION FOR THE ESTABLISHMENT OF A NEW INTERNATIONAL ECONOMIC ORDER-- WAS RESOLVED IN CLOSING MINUTES OF MEETING. USSR, SUPPORTED BY OTHER EES AND GROUP OF 77, PRESSED FOR REFERENCE TO CERDS AND PROGRAM OF ACTION AS "LAYING FOUNDATIONS" FOR WORK OF COMMISSION. US AND OTHER OECD EMPHASIZED THAT THESE DOCUMENTS HAD NOT BEEN SUPPORTED BY ALL NATIONS AND THAT ECOSOC RESOLUTIONS 1908 AND 1913 (LVII) ARE SOLE BASIS OF COMMISSIONS MANDATE. AT ONE POINT SOVIETS APPEARED TO BE PRESSING FOR VOTE IN ORDER TO OVERRIDE WEO OPPOSITION, BUT LDOS NEVER RESPONDED TO THESE HINTS.

3. IN SURPRISE MOVE LATE IN SESSION, MEXICANS PRESENTED FORMULATION VERY SIMILAR TO OUR OWN TO WHICH USSR AND WEO'S AGREED. FINAL LANGUAGE, WHICH FULLY RESERVED US AND G-77 POSITIONS, WILL APPEAR AS FIRST PARAGRAPH OF REPORT: QUOTE TAKING FULLY INTO ACCOUNT GENERAL ASSEMBLY RESOLUTION 3201 (S-VI) AND 3202 (S-VI) ON THE DECLARATION AND THE PROGRAMME OF ACTION FOR THE ESTABLISHMENT OF A NEW INTERNATIONAL ECONOMIC ORDER, IN PARTICULAR THE RELEVANT PROVISIONS ON TRANSNATIONAL CORPORATIONS, AND RESOLUTION 3281 (XXIX) ON THE CHARTER OF ECONOMIC RIGHTS AND DUTIES OF STATES, AND GIVING DUE REGARD LIMITED OFFICIAL USE

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PAGE 03 USUN N 01118 081926Z

TO THE GUIDELINES CONTAINED IN THESE RESOLUTIONS, THE COMMISSION, IN CONFORMITY WITH PARAGRAPH 7 OF ECOSOC RESOLUTION 1913, IS REQUESTED TO PRESENT A DETAILED PROGRAMME OF WORK...END QUOTE.

4. AGREEMENT ON REFERENCE TO "AREAS OF CONCERN" REGARDING "THE ACTIVITIES OF TNCS" AND "RELATIONS BETWEEN TNCS AND GOVERNMENTS" (PAPERS PRESENTED RESPECTIVELY BY G-77 AND

US-UK-FRG-FRANCE-ITALY) WAS FINALLY REACHED BECAUSE, IN 77'S VIEW, IT DEALT WITH CONCERNS OF TNCs RATHER THAN GOVERNMENTS AND WOULD INFRINGE UPON SOVEREIGNTY. FINAL LANGUAGE NOTED: (1) THAT THESE ARE PRELIMINARY LISTS OF CONCERNS AND MAY BE CHANGED LATER; (2) THAT THE VARIOUS LISTS WILL AT SOME POINTS HAVE TO BE CONSOLIDATED INTO ONE CONSENSUS LIST OF CONCERNS; AND (3) THAT IN THE MEANTIME BOTH THESE LISTS CAN BE CONSIDERED BY IRC IN IMPLEMENTING WORK PROGRAM.

5. RECONCILIATION OF VIEWS ON ROLE TO BE PLAYED BY INTEREST GROUP EXPERTS POSTPONED TO NEXT SESSION. SWEDEN, THE NETHERLANDS, UK, SOME OTHERS STRONGLY SUPPORT STANDING BODY OF INTEREST GROUPS REPS TO ADVISE COMMISSION ON CONTINUOUS BASIS, UK SUGGESTING POSSIBILITY OF TECHNICAL EXPERTS TO ADVISE ON AN AD HOC BASIS, LDCS WANT ONLY AD HOC EXPERTS TO BE CALLED UPON ONLY AS NEEDED. US DEL SUPPORTED UK PROPOSAL.

6. US AND OTHER WEOS OBTAINED INCLUSION IN SUMMARY OF REPRESENTATIVES' VIEWS (CHAPTER 2 OF COMMISSION'S REPORT) OF SATISFACTORY, BALANCED PRESENTATION OF OUR, AS WELL AS 77, VIEWS REGARDING NEED FOR CONSIDERATION OF GOVERNMENT ACTIONS AS THEY AFFECT TNC ACTIVITIES IN THE COMMISSION'S WORK AND IN A POSSIBLE CODE OF CONDUCT.

7. IN ADDITION, US DEL WAS ABLE TO OBTAIN STATEMENT IN CHAPTER 2 THAT "WITH REGARD TO THE COLLECTION OF INFORMATION BY THE INFORMATION AND RESEARCH CENTER, THE COMMISSION UNDERSTOOD THAT IT WAS NOT CONTEMPLATED THAT REQUESTS FOR INFORMATION WOULD BE MADE DIRECTLY TO TRANS-NATIONAL CORPORATIONS." REPORT DOES, HOWEVER, NOTE VIEW OF SOME DELS THAT INFORMATION IS "AVAILABLE PRIMARILY FROM TNCs THEMSELVES AND FROM THEIR HOST AND HOME LIMITED OFFICIAL USE

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PAGE 04 USUN N 01118 081926Z

GOVERNMENTS."
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: MULTINATIONAL CORPORATIONS, COMMITTEE MEETINGS, FOREIGN POLICY POSITION, MEETING REPORTS
Control Number: n/a
Copy: SINGLE
Draft Date: 08 APR 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: MorefiRH
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975USUNN01118
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D750122-0511
From: USUN NEW YORK
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750469/aaaacloo.tel
Line Count: 156
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION IO
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: MorefiRH
Review Comment: n/a
Review Content Flags:
Review Date: 20 MAY 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <20 MAY 2003 by BoyleJA>; APPROVED <20 MAY 2003 by MorefiRH>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
05 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: CONCLUSION OF FIRST SESSION OF UN COMMISSION ON TRANSNATIONAL CORPORATIONS
TAGS: EINV, US, ECOSOC
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006